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PATENT

Customer No. 22,852  
Attorney Docket No. 02481.1775-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Paul HABERMANN ) Group Art Unit: 1645  
Application No.: 10/076,631 ) Examiner: Unknown  
Filed: February 19, 2002 )  
For: NUCLEIC ACIDS, PROTEINS, )  
AND PROCESSES THEREOF )  
SUCH AS PROCESSES FOR )  
PRODUCTION OF )  
SUPERSCRETABLE PEPTIDES )  
AND FOR PARALLEL )  
IMPROVEMENT OF THE )  
EXPORTED FORMS OF ONE OR )  
MORE POLYPEPTIDES OF )  
INTEREST )

Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after three months of the filing date of this application, but, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits.

Copies of the listed documents, including the copending applications discussed below, are attached. Applicant respectfully requests that the Examiner consider the

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listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following commonly assigned, co-pending applications are brought to the attention of the Examiner:

U.S. Application No. 10/076,634, in the names of Paul HABERMANN *et al.*, filed February 19, 2002, entitled "NUCLEIC ACIDS, PROTEINS, AND PROCESSES FOR PRODUCING PROTEINS SUCH AS FUSION PROTEINS FOR THE SECRETION OF A PROTEIN OF INTEREST INTO BACTERIAL SUPERNATANTS"

U.S. Application No. 10/076,632, in the name of Paul HABERMANN, filed February 19, 2002, entitled "NUCLEIC ACIDS, PROTEINS, AND PROCESSES THEREOF SUCH AS USE OF FUSION PROTEINS WHOSE N-TERMINAL PART IS A HIRUDIN DERIVATIVE FOR THE PRODUCTION OF RECOMBINANT PROTEINS VIA SECRETION BY YEASTS"

Copies of these applications are attached.

Regarding the foreign language documents, Applicant notes the following:

(1) DE 100 33 195 A1:

is accompanied by an English language abstract; and

is a family member of WO 02/04486 A2, submitted herewith, which includes an English language abstract and which corresponds to PCT/EP00/08537, which is cited and discussed in the present application beginning on page 14.

(2) DE 34 30 556 A1 is cited and discussed in the present application

beginning on page 8.

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(3) EP 0 158 564 A1 is a family member of U.S. Patent No. 5,705,355 to TOLSTOSHEV et al., submitted herewith.

(4) EP 0 200 655 B1 includes English language claims and is cited and discussed in the present application beginning on page 4.

(5) EP 0 324 712 B1 includes English language claims and is cited and discussed in the present application beginning on page 3.

(6) EP 0 347 781 B1 includes English language claims and is cited and discussed in the present application beginning on page 3.

(7) EP 0 448 093 B1 includes English language claims.

(8) EP 0 468 539 B1 includes English language claims.

(9) EP 0 549 915 B1 includes English language claims and is cited and discussed in the present application beginning on page 24.

(10) EP 0 775 710 A1:  
is cited and discussed in the present application beginning on page 26; and  
is a family member of U.S. Patent No. 6,103,502 to MÖLLER et al., submitted herewith.

(11) WO 01/21662 A1 includes an English language abstract.

(12) WO 02/04486 A2:  
includes an English language abstract;  
corresponds to PCT/EP00/08537 which is cited and discussed in the present application beginning on page 14; and

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is a family member of DE 100 33 195 A1, submitted herewith,  
which is accompanied by an English language abstract.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

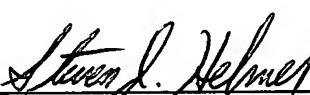
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 13, 2002

By: 

Steven J. Helmer  
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## INFORMATION DISCLOSURE CITATION

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Atty. Docket No.	2487.1775-00	Appln. No.	10/076,631
Applicant	Paul HABERMANN		
Filing Date	February 19, 2002	Group:	1645

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## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	5,705,355	01/1998	Tolstoshev et al			
	6,103,502	08/2000	Möller et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	DE 10033195A1	03/2002	Germany			Abstract
	DE 3430556A1	02/1986	Germany			
	0 158 564 A1	10/1985	EPO			
	0 195 691 B1	09/1986	EPO			
	0 200 655 B1	04/1995	EPO			Claims
	0 214 826 B1	03/1987	EPO			
	0 324 712 B1	07/1989	EPO			Claims
	0 347 781 B1	12/1989	EPO			Claims
	0 375 437 B1	06/1990	EPO			
	0 419 504 B1	04/1991	EPO			
	0 448 093 B1	09/1991	EPO			Claims
	0 468 539 B1	01/1992	EPO			Claims
	0 489 780 B1	06/1992	EPO			
	0 511 393 A1	11/1992	EPO			
	0 549 915 B1	07/1993	EPO			Claims
	0 678 522 B1	10/1995	EPO			
	0 775 710 A1	05/1997	EPO			
	WO 91/09125	06/1991	WIPO			
	WO 92/00321	01/1992	WIPO			
	WO 01/21662 A1	03/2001	WIPO			ABSTRACT
	WO 02/04486 A2	01/2002	WIPO			ABSTRACT

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Applicant	Paul HABERMANN	SEP 16 2002	
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P A T E N T / T R A D E M A R K O F F I C E

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Dé et al., "Channel-forming properties and structural homology of major outer membrane proteins from <i>Pseudomonas fluorescens</i> MFO and OE 28.3," <u>FEMS Microbiology Letters</u> , 127, 267-272, 1995.
	Fürste et al, "Molecular cloning of the plasmid RP4 primase region in a multi-host-range <i>tacP</i> expression vector," <u>Gene</u> , 48(1), 119-131, 1986.
	Griessbach et al., "Assay of Hirudin in Plasma Using a Chromogenic Thrombin Substrate," <u>Thrombosis Research</u> , 37, 347-350, 1985.
	Price et al., "Expression, purification and characterization of recombinant murine granulocyte-macrophage colony-stimulating factor and bovine interleukin-2 from yeast," <u>Gene</u> , 55(2-3), 287-293, 1987.
	Rioux et al., "Genes on the 90-Kilobase Plasmid of <i>Salmonella typhimurium</i> Confer Low-Affinity Cobalamin Transport: Relationship to Fimbria Biosynthesis Genes," <u>Journal of Bacteriology</u> , 172(11), 6217-6222, 1990.
	Rosenfeld et al., "Production and Purification of Recombinant Hirudin Expressed in the Methylotrophic Yeast <i>Pichia pastoris</i> , <u>Protein Expression and Purification</u> , 8(4), 476-482, 1996.
	Shuttleworth et al., "Sequence of the gene for alkaline phosphatase from <i>Escherichia coli</i> JM83," <u>Nucleic Acids Research</u> , 14(21), 8689, 1986.
	Wetekam et al., "The nucleotide sequence of cDNA coding for preproinsulin from the primate <i>Macaca fascicularis</i> ," <u>Gene</u> , 19(2), 179-183, 1982.
	Weydemann et al., "High-level secretion of hirudin by <i>Hansenula polymorpha</i> —authentic processing of three different preprohirudins," <u>Applied Microbiology and Biotechnology</u> , 44(3-4), 377-385, 1995.
	Winter et al., "Increased Production of Human Proinsulin in the Periplasmic Space of <i>Escherichia Coli</i> by Fusion to DsbA," <u>Journal of Biotechnology</u> , 84, 175-185 (2000).

Examiner

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO 1449

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